

# EXHIBIT 85

**MICHAEL P. VICTORINO**  
Mayor

**SANDY K. BAZ**  
Managing Director



**OFFICE OF THE MAYOR**  
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OFFICE OF THE MAYOR  
COUNTY OF MAUI

**PUBLIC HEALTH EMERGENCY RULES, AMENDED MARCH 22, 2020**

By the authority vested in me as Mayor of the County of Maui, by Revised Charter of the County of Maui (1983), as amended ("Charter"), the Constitution and laws of the State of Hawaii, I, MICHAEL P. VICTORINO, Mayor of the County of Maui of the State of Hawaii, hereby amend, adopt and promulgate the following rules, pursuant to Section 127A-25, which have the force and effect of law. Violation of any of the following rules is punishable as a misdemeanor, with fines of up to \$5,000, up to a year in jail, or both.

The virus that causes Coronavirus 2019 Disease ("COVID-19") is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety. Because of the dangerous conditions caused by the risk of the rapid spread of the virus and the need to protect the residents and visitors to Maui County, staying at home or in a place of lodging is now mandated with the exception of conducting certain essential activities, defined below. Based upon this public health emergency, these rules restrict the congregation of the public.

**I. Definitions**

A. Essential activities (except for those in quarantine) include:

1. Tasks essential to maintain health and safety, such as obtaining medicine or seeing a doctor;
2. Getting necessary services or supplies for an individual or that individual's family or household members, such as getting food, pet food, and supplies necessary for staying at home;
3. Engaging in solitary outdoor activity, such as walking, hiking, or running;
4. Performing work related to operation of an essential business or essential government function (defined below);
5. Caring for a family member in another household;
6. Caring for elderly, minors, dependents, person with disabilities, or other vulnerable persons.

B. Operation of an Essential Business, includes:

1. Healthcare operations, including home health workers;
2. Essential infrastructure, including operation of public transportation and utilities;
3. Grocery stores, food banks, convenience stores;
4. Businesses that provide necessities of life for economically disadvantaged individuals and shelter facilities;
5. Pharmacies, health care supply stores, and health care facilities;
6. Gas stations, auto repair facilities, and auto supply stores;
7. Financial institutions;
8. Refuse collection;
9. Hardware, lumber, and other building material stores;
10. Maintenance service providers, such as plumbers, electricians, exterminators, and other service providers necessary to maintain the safety, sanitation, and essential operation of residences and businesses;
11. Laundromats and laundry service providers;
12. Businesses that primarily ship or deliver groceries, food, and goods;
13. Childcare facilities providing services that enable essential employees to go to work;
14. Newspapers, television, radio, and other media;
15. Construction and maintenance, public and private, provided it is conducted in workplaces in a manner that ensures worker safety, including a minimum of six feet of distancing between individuals;

16. Agricultural operations, provided measures are implemented to ensure worker safety, including a minimum of six feet of distancing between individuals;
  17. Businesses that supply other essential business with the support or supplies necessary to operate;
  18. Businesses conducting legally mandated activities;
  19. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities;
  20. Funeral, mortuary, cremation, burial, cemetery, and related services, provided, the services provided must comply with Social Distancing Requirements at all times reasonably possible;
  21. Educational institutions, both public and private, K – 12 schools, colleges and universities, for purposes of facilitating distance learning, performing critical research or performing essential functions; and
  22. Hotels and motels, to the extent used for lodging; and service providers to hotels and motels that provide services that are necessary to maintaining the safety, sanitation, and essential operations of the hotel and/or motel.
- C. Government function: Includes all services needed to ensure the continuing operation of the government agencies and provide for the health, safety, and welfare of the public.

## **II. RULES**

Rule 1: All individuals currently within the County are ordered to stay at their residence or place of lodging. All persons may leave their residence or place of lodging only for Essential Activities, Essential Government Functions, or to operate Essential Businesses, as defined in these Rules.

Rule 2: Meetings or hearings, including contested case hearings, conducted by boards and commissions established under the Charter or the Maui County Code are suspended, provided that meetings or hearings may be conducted to the extent the Governor of the State of Hawaii has

suspended the requirements of Chapters 91 (administrative procedures) and 92 (public agency meetings and records), HRS, and sufficient capability exists to conduct such meetings or hearings by telephone or video conference as determined by the County department providing administrative assistance to the board or commission.

Rule 3: Any County deadline or automatic approval of any permit application or contested case matter under the Maui County Code or the administrative rule of any County department, board, or commission that is currently pending, is hereby continued to the latter of the following: 60 days after the date of the County's Proclamation of Emergency of Disaster, dated March 4, 2020, as may be extended; the Declaration of Termination of Emergency issued by the undersigned; or 60 days from the date of the current deadline or automatic approval as of the date of the adoption of these Rules. This Rule applies only to deadlines for action imposed by ordinance or administrative rule on any County departments, boards, and commissions. This Rule does not extend any permit condition of any existing permit that has already been approved. This Rule does not extend the time for filing of an appeal for matters that have already been decided.

Rule 4: All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in these Rules.

Rule 5: Any concentration of individuals outside their home must be limited to workers providing essential services and social distancing must be practiced.

Rule 6: Businesses and entities that provide essential services must implement rules that help facilitate social distancing of at least 6 feet.

Rule 7: Restaurants and cafes that serve food within the premises shall be closed for inside seating but will be allowed to provide takeout and delivery service.

Rule 8: All bars, nightclubs, theaters, public gathering venues, and tourist attractions are ordered closed.

Rule 9: Gyms, recreation facilities, and other places of public gathering are ordered closed.

Rule 10: County parks, golf course and beach parks are ordered closed.

Rule 11: Non-essential businesses shall close.

Rule 12: Essential businesses may remain open. To limit exposure to the virus for those most vulnerable, all stores selling groceries and household consumer products shall provide shopping hours where only people over the age of 60, or who have pre-existing medical conditions, will be permitted to shop. Notice of the date and time for special shopping hours shall be posted at the front entrance of each store.

Rule 13: All first responders, emergency management personnel, emergency dispatchers, and law enforcement personnel, as well as others

working to support essential governmental or essential business functions are categorically exempt from these Rules.

Rule 14: All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, must be limited to essential activities or operation of essential business or essential government function.

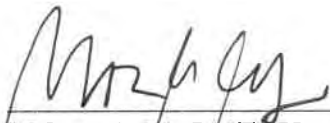
These rules shall take effect on Wednesday, March 25, 2020 at 12:01 a.m. and repeal the Emergency Rules promulgated March 21, 2020. With the exception of Rule 3, these Rules shall be repealed upon the earlier of:

- 1) subsequent promulgation or 2) April 30, 2020.



MICHAEL P. VICTORINO  
Mayor  
County of Maui  
March 22, 2020

APPROVED:



MOANA M. LUTEY  
Corporation/Counsel  
County of Maui